

# **EXHIBIT A**

## **Proposed Second Order Amending Mediation Confidentiality Order**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:	Chapter 9
CITY OF DETROIT, MICHIGAN,	Case No. 13-53846
Debtor.	Hon. Thomas J. Tucker
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**[PROPOSED] SECOND ORDER AMENDING  
MEDIATION CONFIDENTIALITY ORDER**

Pursuant to 11 U.S.C. § 105, on August 13, 2013, a Mediation Order was issued in this case, outlining a process for conducting facilitative mediations of matters referred within the context of the bankruptcy litigation.

On February 6, 2015, the Court entered a Mediation Confidentiality Order requiring that all discussions and documents pertaining to ongoing mediation remain privileged and confidential and not be disclosed.

On June 11, 2015, the Court entered an Order Amending Mediation Confidentiality Order which amended the Mediation Confidentiality Order to permit all parties and their representatives to publicly disclose and discuss the lease agreements and the water

and sewer services agreement, and the final terms of those agreements, as they now exist as a result of the mediation.

In May 2019, a team of attorneys at the Michigan Department of Attorney General tasked with investigating and prosecuting crimes arising from the Flint water crisis (the “Flint Criminal Team”) received documents pursuant to a court-authorized search warrant that may have included documents subject to the Court’s Mediation Confidentiality Order. The Flint Criminal Team is prosecuting the following cases stemming from the Flint water crisis: *People v. Agen*, Case No. 047372-FH; *People v. Ambrose*, Case Nos. 21-047373-FH & 21-047374-FH; *People v. Baird*, 21-047375-FH; *People v. Earley*, Case Nos. 21-047376-FH & 21-047377-FH; *People v. Lyon*, Case No. 21-047378; *People v. Peeler*, 21-047379-FH; *People v. Wells*, Case No. 21-047380; *People v. Snyder*, Case No. 21G-00046-SM; *People v. Croft*, Case No. 21G-00047-SM (the “Flint Water Criminal Cases”).

To protect any privileged or confidential mediation documents in the possession of the parties in the Flint Water Criminal Cases, the Court further amends its Mediation Confidentiality Order as follows.

**IT IS ORDERED** that effective immediately, the Order entitled

“Mediation Confidentiality Order” entered on February 6, 2015 (Dkt. 9176, the “Confidentiality Order”) is amended to apply to all parties to the Flint Water Criminal Cases and to any parties to future criminal cases the Flint Criminal Team may file in connection with the Flint water crisis.

**IT IS FURTHER ORDERED** that, absent approval from this Court, all parties to the Flint Water Criminal Cases are prohibited from introducing into evidence or otherwise disclosing documents subject to the Mediation Confidentiality Order, except that the parties may disclose such documents amongst themselves, their counsel in the Flint Water Criminal Cases, or to any consultants, investigators, or experts retained in connection with the Flint Water Criminal Cases, but only to the extent necessary for the Flint Water Criminal Cases.

**IT IS FURTHER ORDERED** that, within 14 days of this Order being entered, the Flint Criminal Team will serve a copy of this Order on all parties to the Flint Water Criminal Cases.

**IT IS FURTHER ORDERED** that except as amended by this

Order and any prior orders of this Court, the Confidentiality Order remains in full effect.

SG FW Snyder/2<sup>nd</sup> Order Amending Mediation Order 2021.05.26